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10/675,697	09/30/2003	Amanda Baer	HSJ9-2003-0032US1 (0107-0)	6166
7590 07/23/2009				
ATTN: John J. Oskorep One Magnificent Mile Center Suite 1400 980 N. Michigan Avenue Chicago, IL 60611				
EXAMINER				
GRAMAGLIA, MAUREEN				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
07/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10675697 (0107-0	9/30/03	BAER ET AL.	HSJ9-2003-0032US1

## EXAMINER

Maureen Gramaglia

ART UNIT	PAPER
1792	20090721

DATE MAILED:

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## Commissioner for Patents

In response to the Order returning the undocketed appeal to the Examiner mailed on 17 July 2009, the following clarification is made:

The Status of Claims in the Appeal Brief of 17 March 2008 was incorrect. Specifically, Claims 21, 22, and 27 should have been indicated as finally rejected but not on appeal.

The Grounds of Rejection to be Reviewed on Appeal in the Appeal Brief of 17 March 2008 was incorrect. Specifically, only Claims 1, 2, 4, 6, 8-16, 23-26, and 28-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,315,875 to Sasaki in view of U.S. Patent Application Publication 2004/0027730 to Lille.

Claims 21 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Lille, and further in view of Konuma et al. Claim 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Lille, and further in view of Applicant's Admitted Prior Art (AAPA). Applicant did not present any separate arguments against the rejections of Claims 21, 22, and 27. Thus, it appears that Claims 21, 22, and 27 were finally rejected but not on appeal, and that the rejections of Claims 21, 22, and 27 are not on review.

Section (6) of the Examiner's Answer of 28 May 2008 correctly indicates the Grounds of Rejection to be Reviewed on Appeal and the Grounds of Rejection not Withdrawn but not on Review. Section (9) of the Examiner's Answer was incorrect. It should not have included the grounds of rejection applied to Claims 21, 22, and 27, since these grounds of rejection are not on review.

/Maureen Gramaglia/  
Examiner, Art Unit 1792

/Parviz Hassanzadeh/  
SPE, AU 1792